

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MATTHEW G. DLUHY,

Petitioner,

vs

9:03-CV-1153

WILLIAM P. MAZZUCA, Superintendent of
Fishkill Correctional Facility,

Respondent.

APPEARANCES:

OF COUNSEL:

MATTHEW G. DLUHY

Petitioner, Pro Se

00-A-0751

Mid-Orange Correctional Facility

900 Kings Highway

Warwick, New York 10990

HON. ANDREW M. CUOMO

Attorney General of the

State of New York

Attorney for Respondent

The Capitol

Albany, NY 12224

STEVEN H. SCHWARTZ, ESQ.

Asst. Attorney General

DAVID N. HURD

United States District Judge

DECISION and ORDER

Petitioner, Matthew G. Dluhy, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By a report recommendation dated May 15, 2007, the Honorable Gustave J. DiBianco, United States Magistrate Judge, recommended that the petition be denied and dismissed. Petitioner has filed timely objections.

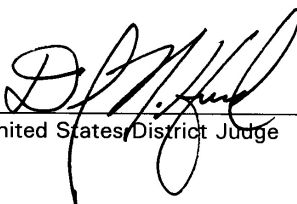
Based upon a de novo determination of the report and recommendation, including the portions to which petitioner objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

Accordingly, it is

ORDERED that the petition is DENIED and DISMISSED in its entirety.

IT IS SO ORDERED.

Dated: July 16, 2007
Utica, New York.


United States District Judge